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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,995	03/24/2004	Richard Ormson	P/126-229	4648
2352	7590	12/16/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			HUYNH, NAM TRUNG	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/807,995	ORMSON, RICHARD	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nam Huynh	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/27/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 10-13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Parkkila (US 6,223,037).

A. Regarding claims 1 and 10, Parkkila discloses a cell selection method during loss of service comprising:

- A mobile station in which values of various cellular system parameters are stored in memory.
- A measurement procedure (figure 3, item 312) that is initiated when a loss of service occurs. The loss of service could be moving away from the coverage area of a cell or in a "dead zone" of a cell (column 7, lines 39-47). This loss of service measurement procedure is performed by the mobile station on BCCH carriers that were included in the last BCCH carrier allocation received from the network before loss of service occurred (column 7, lines 48-52).
- A camping procedure if a BCCH carrier or cell is found (figure 3, items 314, 306).
- A network search if a BCCH carrier is not found (figure 3, item 318).

B. Regarding claims 2 and 11, Parkkila discloses that the mobile station determines and maintains the average received level for all BCCH carriers in the BA and also

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measures the 6 strongest BCCH carriers, synchronizes to them, and decodes the BCCH carrier data block (column 7, lines 24-29).

C. Regarding claims 3 and 12, Parkkila discloses a timer that times a network search that will run for a predetermined period of time, X seconds (column 8, lines 9-29).

D. Regarding claims 4 and 13, Parkkila discloses a communications system shown in figure 1 with 10 cells, but states in column 4, lines 5-6, that in practice the number of cells may be much larger. Therefore allowing a system comprising no more than 20.

E. Regarding claims 6 and 15, Parkkila discloses an example of network loss when a mobile station moves out of a coverage area (column 7, lines 39-42).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 7-9, 14, and 16-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Parkkila (US 6,223,037) in view of Bamburak et al. (US 6,311,064).

A. Regarding claims 5 and 14, Parkkila discloses a cell selection method during loss of service comprising:

- A mobile station in which values of various cellular system parameters are stored in memory.

- A measurement procedure (figure 3, item 312) that is initiated when a loss of service occurs. The loss of service could be moving away from the coverage area of a cell or in a “dead zone” of a cell (column 7, lines 39-47). This loss of service measurement procedure is performed by the mobile station on BCCH carriers that were included in the last BCCH carrier allocation received from the network before loss of service occurred (column 7, lines 48-52).
- A camping procedure if a BCCH carrier or cell is found (figure 3, items 314, 306).
- A network search if a BCCH carrier is not found (figure 3, item 318).

Parkkila does not explicitly disclose the step of identifying whether the cell details to be stored have already been stored. Bamburak et al. discloses a powered down selection of a preferable wireless communications service comprising a mobile communications device that has a master search schedule. An example of how the search schedule operates is if band B is programmed in the first slot, the slot originally containing band B is made blank (column 9, lines 29-47). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the search method of Bamburak et al. in the cell selection method of Parkkila in order to avoid searching the same band or cell twice.

B. Regarding claims 7 and 16, Bamburak et al. discloses a registration process with a service provider after a mobile communications device “powers up” (column 5, lines 15-26). Therefore showing a network loss when the mobile communications device is off.

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C. Regarding claim 8, Bamburak et al. discloses a search scratch pad that is used to record the amplitude or strength and location of a received signal. This device is used to search different frequency bands are cleared to prepare for searching another band (figure 7).

D. Regarding claim 9, Bamburak et al. discloses that the communications device examines received service provider code e.g., SOCs or SIDs to determine whether a service provider is an optimal one (column 5, lines 22-26). Furthermore Bamburak et al. discloses that cellular and PCS frequency bands are also searched (column 6, lines 15-57).

E. Regarding claim 17, the combination of Parkkila and Bamburak et al. disclose the limitations.

- Bamburak et al. discloses a method that includes determining whether the service provider used before power down was an optimal service provider after power-up of a mobile communications device (figure 4, item 32). Furthermore the SOC and SID of the last service provider and a list of optimal and preferred service providers is stored in memory of the mobile communications device (column 5, lines 36-38).
- Parkkila discloses that the mobile station determines and maintains the average received level for all BCCH carriers in the BA and also measures the 6 strongest BCCH carriers, synchronizes to them, and decodes the BCCH carrier data block (column 7, lines 24-29). In this embodiment the threshold level is 6.

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- Parkkila discloses a process that loops (figure 302-310) until a suitable cell is located within the network and at least one cell in the network remains below a threshold (column 7, lines 15-34). Therefore since the process updates, old cell details are removed.
- Parkkila discloses that on turn on of the mobile station, network acquisition and camping is checked and then performed if a suitable cell is found (figure 3, items 300, 302, 304, 306).
- Parkkila discloses a camping procedure if a BCCH carrier or cell is found after a loss of service (figure 3, items 314, 306).
- Parkkila discloses a network search if a BCCH carrier is not found (figure 3, item 318). When an available network is found, the mobile station will perform network acquisition and camping (figure 3, items 320, 306).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NTH  
12/07/05



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